

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: January 18, 2024

Judge: Hon. James Donato

Time: 24 Minutes

Cases: 3:20-cv-05671-JD Epic Games, Inc. v. Google LLC et al  
3:21-md-02981-JD In re Google Play Store Antitrust Litigation

Attorney(s) for Plaintiff(s): Gary Bornstein/Yonatan Even

Attorney(s) for Defendant(s): Glenn Pomerantz/Justin Raphael/Michelle Park Chiu/  
David Shikmam/Brian Rocca

Court Reporter: Kelly Shainline

Deputy Clerk: Lisa Clark

PROCEEDINGS

Status Conference -- Held

NOTES AND ORDERS

Google will file a combined motion for judgment as a matter of law and motion for new trial. The Court sets the following briefing schedule and page limits:

- Opening brief of 30 pages or less to be filed by February 1, 2024
- Opposition brief of 30 pages or less to be filed by February 22, 2024
- Reply brief of 15 pages or less to be filed by February 29, 2024

The briefs must include specific citations to the trial transcript, and the parties are directed to prepare a (non-duplicative) compendium of all trial transcript pages cited in their briefs. The parties are requested to lodge two chambers copies of the briefs and compendiums. The chambers copies should be three-hole-punched and double-sided, and need only be from the MDL docket.

For the issue of remedies, Epic will make a firm demand on Google by February 1, 2024, and Google will respond/counter by February 15, 2024. If the parties are unable to agree, they will file a joint statement so advising the Court. The Court will then issue its order on Google's JMOL and new trial motions, and set an evidentiary hearing.

The Court intends to hear from the parties' economist experts at the evidentiary hearing on the issue of an appropriate conduct remedy in light of the jury's findings. The Court would appreciate hearing from Dr. Bernheim and Dr. Leonard.

Two weeks before the evidentiary hearing, Epic will file a proposed injunction, together with brief statements in support drafted by the experts Epic intends to call at the evidentiary hearing. One week after that (and one week before the hearing), Google and its expert will file a response. The Court expects the evidentiary hearing will be conducted like the expert "hot tubs" the Court has held in this case.

The Court has been advised that the parties have contacted the court reporters with "errata" to the trial transcript. While the court reporters may correct any transcription errors (as determined by the court reporters by comparing the audio with the transcript), in no circumstance will any substantive change be made to any of the testimony that was given at trial.